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BEFORE THE ARIZONA CORPORATION COMMISSION

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CHAIRMAN

JIM IRVIN

COMMISSIONER
WILLIAM A. MUNDELL
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AZ CORP COMMISSION
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IN THE MATTER OF INVESTIGATION)
 INTO U S WEST COMMUNICATION,)
 INC.'S COMPLIANCE WITH CERTAIN)
 WHOLESALE PRICING REQUIREMENTS)
 FOR UNBUNDLED NETWORK ELEMENTS)
 AND RESALE DISCOUNTS.)

DOCKET NO: T-00000A-00-0194

**MOTION OF COMMISSION STAFF FOR CLARIFICATION OF
 PROCEDURAL ORDER AND FOR EXTENSION OF THE DEADLINE FOR
 FILING TESTIMONY**

On August 21, 2000, the Commission adopted a Procedural Order which established the schedule for Phase II of this proceeding. The Commission ordered that Phase II shall be a consolidated arbitration "regarding rates for unbundled network elements and interconnection, including the high frequency portion of the loop and the unbundling of network elements in the UNE Remand Order, inter-carrier reciprocal compensation structure, wholesale discount rates, and permanent geographically deaveraged UNE and other wholesale rates." Order at p. 6. The Commission further ordered that Phase II shall address the "cost and non-cost provisions contained in Qwest's revised SGAT for compliance with the 1996 Act, recurring and non-recurring charges for purchasing combined network elements, charges for obtaining separate network elements and for combining them, and line sharing and its associated issues." Id.


While Staff believes that the Commission intended to include a review of the present unbundled network element rates for compliance with the reinstated FCC pricing rules, this is unclear.^{1/} Therefore, Staff requests clarification of the Procedural Order as to whether or not the Commission intended this to be an issue in Phase II of this case.

^{1/} At the time the Commission adopted the UNE rates, the FCC pricing rules had been vacated by the Eighth Circuit Court of Appeals. *See Iowa Utilities Board v. FCC*, 120 F.3d 753 (8th Cir. 1997). The pricing rules were subsequently reinstated by United States Supreme Court. *See AT&T Corp. v. Iowa Utilities Board*, 119 S. Ct. 721 (1999). While Section 51.505(b)(1) was subsequently vacated by the Eighth Circuit on other grounds, the Eighth Circuit has granted a stay of the ruling until a Supreme Court decision on the pending writs of certiorari. *See Iowa Utilities Board v. FCC*, 219 F.3d 744 (8th Cir. July 18, 2000); *Iowa Utilities Board v. FCC*, No. 96-3321, et al., Order at 1 (8th Cir. Sept. 22, 2000).

1 Finally, as part of its Order, the Commission directed parties other than Qwest to file
2 direct testimony by 4:00 p.m. on or before December 11, 2000. While clarification of the above
3 issue may result in the need for additional testimony by Qwest, and hence the need to modify the
4 current procedural schedule; notwithstanding Staff requests an extension of the deadline for filing
5 direct testimony. As part of its request, Staff requests the ability to file testimony after the date
6 established for other intervenors in this proceeding so that Staff may consider, in its testimony, the
7 various proposals put forward by all parties in this case.

8 WHEREFORE, the Commission Staff respectfully requests clarification of the
9 August 21, 2000 Procedural Order as discussed above and an extension of the date for filing direct
10 testimony.

11 RESPECTFULLY SUBMITTED this 21st day of November, 2000.

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1 The ORIGINAL and ten (10) copies of the
2 foregoing were filed this 21st day of November,
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